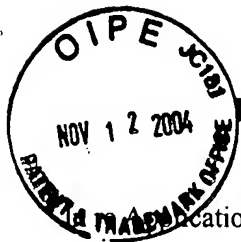


IFW

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Our Case No. 03-214-A)

Application of: )  
)  
                    ) Bao, et al. ) Examiner: TBA  
)  
Serial No.        ) 10/789,831 )  
)  
Filed:            ) February 27, 2004 ) Group Art Unit: 1634  
)  
For:     Label-Free Gene Expression Profiling ) Confirmation No. 8249  
          With Universal Nanoparticle Probes in )  
          Microarray Assay Format                )

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In regard to the above identified application.

1. We are transmitting herewith the attached:

- a) Ninth Supplemental Information Disclosure Statement;
- b) U.S. PTO 1449 Form with copies of references 45-61; and
- c) Return Postcard.

2. With respect to fees:

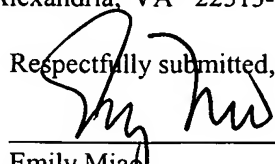
- a) No fee is due at the present time.
- b) General Authorization: Please charge any underpayment or credit any overpayment our Deposit Account No. 13-2490.

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9 day of November, 2004.

Date:

Nov. 9, 2004

Respectfully submitted,



Emily Miao  
Registration No. 35,285



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-214-A)

In re Application of:	)	
	)	
Bao, et al.	)	Examiner: TBA
	)	
Serial No. 10/789,831	)	
	)	Group Art Unit: 1634
Filed: February 27, 2004	)	
	)	
For: Label-Free Gene Expression Profiling	)	Confirmation No. 8249
With Universal Nanoparticle Probes in	)	
Microarray Assay Format	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**NINTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In order to comply with discretionary regulations 37 CFR §§1.97 and 1.98, attached hereto is Form PTO-1449, copies<sup>1</sup> of the documents listed thereon. These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. Mirkin, et al., U.S. Patent No. 6,361,944, issued on 03/26/02.
2. Mirkin, et al., U.S. Patent No. 6,417,340, issued on 07/09/02.
3. Mirkin, et al., U.S. Patent No. 6,495,324, issued on 12/17/02.

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<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to undersigned.

4. Mirkin, et al., U.S. Patent No. 6,506,564, issued 01/14/03.
5. Mirkin, et al., U.S. Patent No. 6,582,921, issued 06/24/03.
6. Mirkin, et al., U.S. Patent No. 6,602,669, issued 08/05/03.
7. Mirkin, et al., U.S. Patent No. 6,610,491, issued 08/26/03.
8. Mirkin, et al., U.S. Patent No. 6,645,721, issued 11/11/03.
9. Mirkin, et al., U.S. Patent No. 6,673,548, issued 01/06/04.
10. Mirkin, et al., U.S. Patent No. 6,677,122, issued 01/13/04.
11. Mirkin, et al., U.S. Patent No. 6,682,895, issued 01/27/04.
12. Mirkin, et al., U.S. Patent No. 6,709,825, issued 03/23/04.
13. Mirkin, et al., U.S. Patent No. 6,720,147, issued 04/13/04.
14. Mirkin, et al., U.S. Patent No. 6,720,411, issued 04/13/04.
15. Mirkin, et al., U.S. Patent No. 6,726,847, issued 04/27/04.
16. Mirkin, et al., U.S. Patent No. 6,730,269, issued 05/04/04.
17. Mirkin, et al., U.S. Patent No. 6,740,491, issued 05/25/04.
18. Mirkin, et al., U.S. Patent No. 6,750,016, issued 06/15/04.
19. Mirkin, et al., U.S. Patent No. 6,759,199, issued 07/06/04.
20. Mirkin, et al., U.S. Patent No. 6,767,702, issued 07/27/04.
21. Mirkin, et al., U.S. Patent No. 6,773,884, issued 08/10/04.
22. Mirkin, et al., U.S. Patent No. 6,777,186, issued 08/17/04.

23. Mirkin, et al., U.S. Patent Publication No. 2002/0137070 A1, published 09/26/02.
24. Mirkin, et al., U.S. Patent Publication No. 2002/0155461 A1, published 10/24/02.
25. Mirkin, et al., U.S. Patent Publication No. 2002/0160381 A1, published 10/31/02.
26. Mirkin, et al., U.S. Patent Publication No. 2002/0177143 A1, published 11/28/02.
27. Mirkin, et al., U.S. Patent Publication No. 2002/0192687 A1, published 12/19/02.
28. Mirkin, et al., U.S. Patent Publication No. 2003/0054358 A1, published 03/20/03.
29. Mirkin, et al., U.S. Patent Publication No. 2003/0068622 A1, published 04/10/03.
30. Mirkin, et al., U.S. Patent Publication No. 2003/0068638 A1, published 04/10/03.
31. Mirkin, et al., U.S. Patent Publication No. 2003/0087242 A1, published 05/08/03.
32. Mirkin, et al., U.S. Patent Publication No. 2003/0113740 A1, published 06/19/03.
33. Mirkin, et al., U.S. Patent Publication No. 2003/0124528 A1, published 07/3/03.
34. Mirkin, et al., U.S. Patent Publication No. 2003/0129608 A1, published 07/10/03.

35. Mirkin, et al., U.S. Patent Publication No. 2003/0143538 A1, published 07/31/03.
36. Mirkin, et al., U.S. Patent Publication No. 2003/0143598 A1, published 07/31/03.
37. Mirkin, et al., U.S. Patent Publication No. 2003/0148282 A1, published 08/07/03.
38. Mirkin, et al., U.S. Patent Publication No. 2003/0207296 A1, published 11/06/03.
39. Mirkin, et al., U.S. Patent Publication No. 2003/0211488 A1, published 11/13/03.
40. Mirkin, et al., U.S. Patent Publication No. 2004/0038255 A1, published 02/26/04.
41. Mirkin, et al., U.S. Patent Publication No. 2004/0053222 A1, published 03/18/04.
42. Mirkin, et al., U.S. Patent Publication No. 2004/0072231 A1, published 04/15/04.
43. Mirkin, et al., U.S. Patent Publication No. 2004/0086897 A1, published 05/06/04.
44. Mirkin, et al., U.S. Patent Publication No. 2004/0101889 A1, published 05/27/04.
45. International Patent Application No. WO 98/04740 A1, published 02/05/98.
46. International Patent Application No. WO 00/33079 A1, published 06/08/00.

47. International Patent Application No. WO 01/00876 A1, published 01/04/01.
48. International Patent Application No. WO 01/051665 A2, published 07/19/01.
49. International Patent Application No. WO 01/073123 A3, published 10/04/01.
50. International Patent Application No. WO 02/004681 A3, published 01/17/02.
51. International Patent Application No. WO 02/018643 A3, published 03/07/02.
52. International Patent Application No. WO 02/046472 A3, published 06/13/02.
53. International Patent Application No. WO 02/079490 A3, published 10/10/02.
54. International Patent Application No. WO 02/096262 A2, published 12/05/02.
55. International Patent Application No. WO 03/008539 A3, published 01/30/03.
56. International Patent Application No. WO 03/035829 A3, published 05/01/03.
57. International Patent Application No. WO 03/081202 A3, published 10/02/03.
58. International Patent Application No. WO 03/087188 A1, published 10/23/03.

59. International Patent Application No. WO 03/095973 A2,  
published 11/20/03.
60. International Patent Application No. WO 2004/004647 A3,  
published 01/31/04.
61. International Patent Application No. WO 2004/053105 A2,  
published 06/24/04.

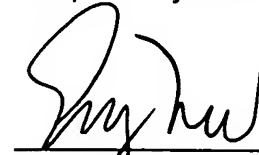
In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

Dated: Nov. 9, 2004



Emily Miao

Registration No. 35,285

**McDonnell Boehnen Hulbert & Berghoff LLP**  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone: (312) 913-0001  
Facsimile: (312) 913-0002

Form PTO-1449

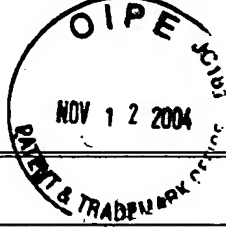
U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

Serial No.

03-214-A

10/789,831

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Applicant: Mirkin, et al.

Filing Date:  
February 27, 2004

Group: 8249

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date
	1.	6,361,944	03/26/02	Mirkin, et al.	435	6	06/25/99
	2.	6,417,340	07/09/02	Mirkin, et al.	536	23.1	10/20/00
	3.	6,495,324	12/17/02	Mirkin, et al.	435	6	10/20/00
	4.	6,506,564	01/14/03	Mirkin, et al.	435	6	06/26/00
	5.	6,582,921	06/24/03	Mirkin, et al.	435	6	09/20/01
	6.	6,602,669	08/05/03	Mirkin, et al.	435	6	07/11/01
	7.	6,610,491	08/26/03	Mirkin, et al.	435	6	09/28/01
	8.	6,645,721	11/11/03	Mirkin, et al.	435	6	09/20/01
	9.	6,673,548	01/06/04	Mirkin, et al.	435	6	09/28/01
	10.	6,677,122	01/13/04	Mirkin, et al.	435	6	10/11/01
	11.	6,682,895	01/27/04	Mirkin, et al.	435	6	10/12/01
	12.	6,709,825	03/23/04	Mirkin, et al.	435	6	09/28/01
	13.	6,720,147	04/13/04	Mirkin, et al.	435	6	10/12/01
	14.	6,720,411	04/13/04	Mirkin, et al.	536	23.1	10/10/01
	15.	6,726,847	04/27/04	Mirkin, et al.	216	90	11/30/01
	16.	6,730,269	05/04/04	Mirkin, et al.	422	68.1	10/12/01
	17.	6,740,491	05/25/04	Mirkin, et al.	435	6	09/28/01
	18.	6,750,016	06/15/04	Mirkin, et al.	435	6	03/28/01
	19.	6,759,199	07/06/04	Mirkin, et al.	435	6	09/20/01
	20.	6,767,702	07/27/04	Mirkin, et al.	435	6	01/12/01
	21.	6,773,884	08/10/04	Mirkin, et al.	435	6	08/07/01
	22.	6,777,186	08/17/04	Mirkin, et al.	435	6	10/15/01
	23.	2002/0137070 A1	09/26/02	Mirkin, et al.	435	6	10/10/01
	24.	2002/0155461 A1	10/24/02	Mirkin, et al.	435	6	10/12/01
	25.	2002/0160381 A1	10/31/02	Mirkin, et al.	435	6	10/11/01
	26.	2002/0177143 A1	11/28/02	Mirkin, et al.	435	6	12/28/01
	27.	2002/0192687 A1	12/19/02	Mirkin, et al.	435	6	03/27/02
	28.	2003/0054358 A1	03/20/03	Mirkin, et al.	435	6	10/11/01
	29.	2003/0068622 A1	04/10/03	Mirkin, et al.	435	6	10/12/01

	30.	2003/0068638 A1	04/10/03	Mirkin, et al.	435	6	08/02/02
	31.	2003/0087242 A1	05/08/03	Mirkin, et al.	435	6	12/07/01
	32.	2003/0113740 A1	06/19/03	Mirkin, et al.	435	6	04/18/02
	33.	2003/0124528 A1	07/3/03	Mirkin, et al.	435	6	10/12/01
	34.	2003/0129608 A1	07/10/03	Mirkin, et al.	435	6	05/22/02
	35.	2003/0143538 A1	07/31/03	Mirkin, et al.	435	6	10/11/01
	36.	2003/0143598 A1	07/31/03	Mirkin, et al.	435	6	11/08/02
	37.	2003/0148282 A1	08/07/03	Mirkin, et al.	435	6	10/12/01
	38.	2003/0207296 A1	11/06/03	Mirkin, et al.	435	6	10/08/02
	39.	2003/0211488 A1	11/13/03	Mirkin, et al.	435	6	06/14/02
	40.	2004/0038255 A1	02/26/04	Mirkin, et al.	435	6	03/26/03
	41.	2004/0053222 A1	03/18/04	Mirkin, et al.	435	6	07/02/03
	42.	2004/0072231 A1	04/15/04	Mirkin, et al.	435	6	08/13/03
	43.	2004/0086897 A1	05/06/04	Mirkin, et al.	435	6	05/07/03
	44.	2004/0101889 A1	05/27/04	Mirkin, et al.	435	6	08/04/03

#### FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	45.	WO 98/04740 A1	02/05/98	PCT				
	46.	WO 00/33079 A1	06/08/00	PCT				
	47.	WO 01/00876 A1	01/04/01	PCT				
	48.	WO 01/051665 A2	07/19/01	PCT				
	49.	WO 01/073123 A3	10/04/01	PCT				
	50.	WO 02/004681 A3	01/17/02	PCT				
	51.	WO 02/018643 A3	03/07/02	PCT				
	52.	WO 02/046472 A3	06/13/02	PCT				
	53.	WO 02/079490 A3	10/10/02	PCT				
	54.	WO 02/096262 A2	12/05/02	PCT				
	55.	WO 2003/008539 A3	01/30/03	PCT				
	56.	WO 2003/035829 A3	05/01/03	PCT				
	57.	WO 2003/081202 A3	10/02/03	PCT				
	58.	WO 2003/087188 A1	10/23/03	PCT				
	59.	WO 2003/095973 A2	11/20/03	PCT				
	60.	WO 2004/004647 A3	01/31/04	PCT				
	61.	WO 2004/053105 A2	06/24/04	PCT				

<b>Examiner</b>	<b>Date Considered</b>
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.